

Motion, p. 2. Moreover, the Cargill Defendants' Motion lists no fewer than five other attorneys representing the Cargill Defendants. Surely one of these attorneys could have likewise shepherded the report to completion.

3. The Cargill Defendants' Motion speaks of the overseas conference being "an unavoidable scheduling conflict[]," *see* Cargill Defendants' Motion, p. 2, although it offers no evidentiary support that it was indeed "unavoidable" or unforeseen. In fact, it was not until January 23, 2009 -- the same day that the expert disclosure was due -- that the Cargill Defendants brought their request for an extension to the State's attention.

4. The request for a one-week extension is excessive in light of the Cargill Defendants' representation that what apparently remains is merely formatting of the expert disclosure. *See* Cargill Defendants' Motion, p. 2 ("Counsel has been unable to provide necessary assistance for completion of the report *in proper form for delivery*") (emphasis added).

Accordingly, the Cargill Defendants' Motion should be denied.

Respectfully Submitted,

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